

**December 2018 and January 2019**

**MONTHLY PROGRESS REPORT**

**PURSUANT TO  
CONSENT DECREE  
Civil Action No. 1:05-CV-1270**

**FOR  
HUDSON RIVER PCBs SUPERFUND SITE**

**GENERAL ELECTRIC COMPANY**



**SCHENECTADY, NEW YORK**

# **1 INTRODUCTION**

## **1.1 REPORT CONTEXT**

This Monthly Progress Report is submitted pursuant to Paragraph 39 of the Consent Decree (CD) executed by the General Electric Company (GE) and the United States in 2005 for the Hudson River PCBs Superfund Site and approved by the U.S. District Court for the Northern District of New York in *United States v. General Electric Co.* (Civil Action No. 1:05-CV-1270) on November 2, 2006. At the request of the U.S. Environmental Protection Agency (EPA), this report includes a summary of activities undertaken both during December 2018 (for which a monthly progress report was not submitted due to the Government shutdown) and during January 2019. It also summarizes actions scheduled for the next two months.

On December 23, 2016, GE sent a letter to EPA notifying EPA that GE had determined that the Remedial Action required by the CD had been completed, enclosing GE's Remedial Action Completion Report, and requesting EPA's Certification of Completion of the Remedial Action. As defined in the CD, the Remedial Action does not include operation, maintenance, and monitoring (OM&M) activities, which are ongoing. This monthly progress report focuses on the remaining activities required under the CD, which primarily consist of OM&M activities.

It should be noted that GE and EPA earlier entered into two Administrative Orders on Consent (AOCs) relating to the Hudson River project. The first, effective on July 26, 2002, was for the Sediment Sampling and Analysis Program (SSAP AOC; Index No. CERCLA-02-2002-2023). However, no work has been conducted under the SSAP AOC since 2005; and on December 21, 2005, GE sent EPA a letter certifying that all activities required under that AOC had been completed. GE and EPA subsequently agreed that there is no longer a need for a separate monthly progress report under that AOC. On January 15, 2016, GE sent a letter to EPA reiterating its request for EPA approval of the certification of completion of the activities required by the SSAP AOC.

The second AOC, effective August 18, 2003, was for Remedial Design and Cost Recovery (RD AOC; Index No. CERCLA-02-2003-2027). On August 29, 2016, GE sent a letter to EPA, pursuant to Paragraph 125 of the RD AOC, certifying that all activities required under that AOC had been completed and requesting EPA's approval of that certification of completion. Thus, there are no Remedial Design activities to report. Accordingly, there is no longer a need for a separate monthly progress report under that AOC until such time as EPA approves the certification of completion, at which point that AOC will terminate.

## **1.2 REPORT DESCRIPTION**

The remainder of this report is organized into the sections listed below:

Section 2 - Activities Relating to Completion of the Remedial Action

Section 3 - Operation, Maintenance, and Monitoring Activities

Section 4 - General Activities

In addition, a data export containing the data updated or added during the prior two months to the relevant databases is also provided along with this report.

## **2 ACTIVITIES RELATED TO COMPLETION OF REMEDIAL ACTION**

### **2.1 ACTIONS TAKEN TO COMPLY WITH CD DURING THE PAST TWO MONTHS**

- On December 26, 2018, GE received EPA's comments on GE's Remedial Action (RA) Completion Report, submitted on December 23, 2016.

### **2.2 ACTIONS SCHEDULED FOR THE NEXT TWO MONTHS AND SCHEDULE CONSIDERATIONS**

- Submit to EPA an updated version of GE's RA Completion Report to address EPA's December 26, 2018 comments, with a reiteration of GE's request for a Certification of Completion of the RA.

## **3 OPERATION, MAINTENANCE, AND MONITORING ACTIVITIES**

### **3.1 ONGOING WATER AND FISH MONITORING**

#### **3.1.1 Water Column Monitoring**

##### *a. Actions taken to comply with CD during the past two months*

- In both December 2018 and January 2019, GE conducted bridge-based weekly water column monitoring in accordance with the *Phase 2 Remedial Action Monitoring Quality Assurance Project Plan* (Phase 2 RAM QAPP) at the Waterford sampling location. Due to winter weather and river conditions, boat-based sampling has been suspended until spring 2019.
- GE conducted high-flow monitoring on December 22 through 24, 2018 at the Dix Bridge in Schuylerville and at the Waterford sampling location in accordance with the Phase 2 RAM QAPP.
- GE conducted high-flow monitoring on January 25 through 28, 2018 at the Waterford sampling location only due to a localized high flow event occurring between the Schuylerville and Waterford sampling stations.
- The water samples collected in December 2018 and January 2019 were shipped to Vista Analytical Laboratory of El Dorado Hills, CA (Vista) for PCB analysis using EPA Method 1668C and to Pace Analytical Services (Pace) of Minneapolis, MN for total suspended solids (TSS) analysis.
- On December 19, 2018, GE completed the annual laboratory audit of the PCB congener analysis of water samples by EPA Method 1668C being performed at Vista.
- In January 2019, GE received the remaining 2018 surface water data from the laboratories.
- TSS and PCB data from November and December 2018 were uploaded to the data management system and are included in the data export transmitted to EPA along with this report.
- GE continued review and compilation of the 2018 surface water data.

*b. Actions scheduled for the next two months*

- Continue the weekly bridge-based water column sampling at the Waterford station in accordance with the Phase 2 RAM QAPP unless river ice conditions prevent such sampling.
- During high-flow conditions (if any), conduct high-flow monitoring from the Dix Bridge in Schuylerville and at Waterford in accordance with the Phase 2 RAM QAPP if practicable and safe given winter weather and river conditions.
- Continue review and compilation of the 2018 surface water data.
- Complete validation of the 2018 surface water data.

*c. Schedule considerations*

- The 2017 surface water data will be included in the 2017 Data Summary Report (DSR), which, as agreed with EPA, will be submitted within 60 days of receipt of the validated analytical results from all 2017 media samples, including the 2017 sediment samples (see Section 3.3.b).
- The 2018 surface water data will be included in a 2018 DSR, which will be submitted within 60 days of receipt of the validated analytical results from all 2018 water and fish samples.

*d. Other items*

- None

### **3.1.2 Fish Monitoring**

*a. Actions taken to comply with CD during the past two months*

- None.

*b. Actions scheduled for the next two months*

- Conduct analyses of the fall 2018 fish samples after EPA agreement on a PCB congener analytical method to be used on 5% of the samples.

*c. Schedule considerations*

- The 2017 fish sampling results will be included in the 2017 DSR, which will be submitted within 60 days of receipt of the validated analytical results from all 2017 media samples, including the 2017 sediment samples (see Section 3.3.b).
- The 2018 fish sampling results will be included in the 2018 DSR, which will be submitted within 60 days of receipt of the validated analytical results from all 2018 water and fish samples.

*d. Other items*

- None.

### **3.2 MONITORING AND MAINTENANCE OF CAPS, STABILIZATION MEASURES, AND REPLACED/RECONSTRUCTED HABITATS**

- a. *Actions taken to comply with CD during the past two months*
  - GE prepared the *Monitoring, Maintenance, and Adaptive Management Report for 2018* (2018 MM&AM Report) and submitted that report to EPA on January 31, 2019 (with cover letter dated January 30, 2019).
- b. *Actions scheduled for the next two months*
  - None.
- c. *Schedule considerations*
  - None.
- d. *Other items*
  - Although EPA notified GE in August 2017 that the habitat monitoring scope of work contained in the *Operation, Maintenance, and Monitoring Plan for 2016 Habitat Replacement/Reconstruction* (2016 Habitat OM&M Plan), submitted on February 7, 2017, was acceptable to EPA, and that monitoring was completed in 2017, GE continues to anticipate receiving EPA's final approval of the 2016 Habitat OM&M Plan.
  - Although GE discussed the 2018 monitoring of engineered caps, long-term shoreline stabilization measures, and replaced/reconstructed habitat, as described in the *Monitoring, Maintenance, and Adaptive Management Report for 2017* (2017 MM&AM Report), with EPA in April 2018 and EPA deemed it acceptable in August 2018, and although that monitoring was completed in 2018, GE continues to anticipate receiving EPA approval of the 2017 MM&AM Report.

### **3.3 LONG-TERM RECOVERY MONITORING OF WATER, FISH, AND SEDIMENT**

- a. *Actions taken to comply with CD during the past two months*
  - None.
- b. *Actions scheduled for the next two months*
  - Complete discussions with EPA regarding CAM No. 16 to the Phase 2 RAM QAPP (originally submitted in October 2017), which included updated Standard Operating Procedures (SOPs) for PCB analysis by Method GEHR 8082, to be performed by the Pace Minneapolis laboratory; revise and re-submit CAM 16; and obtain EPA approval of CAM 16.
  - Begin to analyze surface sediment samples collected in 2017 for PCBs by Method GEHR 8082 following EPA approval of CAM No. 16 to the Phase 2 RAM QAPP.
- c. *Schedule considerations*
  - The 2017 surface sediment sampling results will be included in the 2017 DSR, which will be submitted within 60 days of receipt of the validated analytical results from all 2017 media samples, including the 2017 sediment samples.
  - GE will complete discussions with EPA regarding the long-term OM&M program for water, fish, and sediment when EPA is available to do so.

- GE will complete and submit the *Long-Term Operation, Maintenance, and Monitoring Plan for Water, Fish, and Sediment Monitoring* (WFS OMM Plan) following the completion of discussions with EPA.
- d. *Other items*
- Although EPA authorized GE to conduct the 2017 surface sediment sampling described in GE's *Addendum to the Sediment Sampling Work Plan for 2016* (Sediment Sampling Plan Addendum), submitted on October 13, 2017, and that sampling was completed in 2017, GE continues to anticipate receiving formal EPA approval of that Sediment Sampling Plan Addendum.

## **4 GENERAL ACTIVITIES**

### **4.1 ACTIONS TAKEN TO COMPLY WITH CD DURING THE PAST TWO MONTHS**

- On December 16, 2018, GE submitted to EPA the November 2018 Monthly Progress Report pursuant to Paragraph 39 of the CD.
- On January 14, 2019, GE advised EPA that, due to the Government shutdown, GE would defer submission of any further documents that would be due during the pendency of the shutdown until after the shutdown is over. As a result, GE did not submit the December 2018 monthly progress report in January 2019. EPA subsequently requested that GE include the information from the December 2018 monthly report in the next monthly report (i.e., the present report).

### **4.2 ACTIONS SCHEDULED FOR THE NEXT TWO MONTHS AND SCHEDULE CONSIDERATIONS**

- Submit a monthly progress report under the CD for each month.
- Following EPA's discussion with the State of New York and the federal natural resource trustees regarding GE's April 17, 2017 proposal concerning disposal of the fish tissue samples, carcasses, and associated extracts that exceed the one-year holding time, send a letter to EPA describing the proposed disposal of those materials; and for those that EPA concurs may be disposed of, ask the State of New York and the federal natural resource trustees whether they wish to take possession of any of those samples, carcasses, and/or extracts.